

EXHIBIT D

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION**

Case No. 3:23-md-03084-CRB (LJC)

**DECLARATION OF CHRISTOPHER V.
COTTON**

Judge: Hon. Charles R. Breyer
Courtroom: 6 – 17th Floor

This Document Relates to:

ALL ACTIONS

**DECLARATION OF CHRISTOPHER V.
COTTON**

1 I, Christopher V. Cotton, state as follows:

2 1. I am an attorney at Shook, Hardy & Bacon L.L.P., counsel of record for Defendants Uber
3 Technologies, Inc., Raiser, LLC, and Raiser-CA, LLC (collectively, “Uber” or “Defendants”). I offer
4 this Declaration in the above-captioned matter in support of Uber’s Motion for Entry of an Order to
5 Show Cause Why 6 Plaintiffs Who Have Submitted Non-Bona-Fide Receipts Should Not Be Dismissed
6 with Prejudice.

7 2. In an effort to seek Plaintiffs’ agreement to the relief sought in the above-referenced motion,
8 counsel for Uber initiated a meet-and-confer process.

9 3. On August 19, 2025, I sent a letter on behalf of Uber to Plaintiffs’ counsel, copying MDL
10 leadership, that requested to promptly meet and confer regarding the aforementioned Plaintiffs’
11 noncompliance with the Receipt Order. The letter stated that the cases of those Plaintiffs should be
12 dismissed with prejudice. A true copy of my August 19, 2025 letter to Plaintiffs’ counsel is attached as
13 **Exhibit 1**.

14 4. Plaintiffs’ counsel did not initially respond to my August 19, 2025 letter requesting to meet and
15 confer. On August 20, 2025, I followed up with Plaintiffs’ counsel, requesting their availability the next
16 day (August 21) to meet and confer. A true copy of my August 20, 2025 email to Plaintiffs’ counsel is
17 attached as **Exhibit 2**.

18 5. On August 21, 2025, I had a meet-and-confer via Zoom with the Pulaski Firm, counsel for
19 Plaintiffs with MDL IDs 2642, 3841, and 3659. No agreement was reached with counsel regarding the
20 dismissal of these Plaintiffs’ cases with prejudice.

21 6. On August 21, 2025, I followed up with counsel for the remaining Plaintiffs identified in my
22 August 19, 2025 letter, requesting their availability that day to meet and confer. A true copy of my
23 August 21, 2025 email to Plaintiffs’ counsel is attached as **Exhibit 3**.

24 7. Later that day, on August 21, 2025, I heard back from Peiffer Wolf, former counsel for Plaintiff
25 with MDL ID 1384. Peiffer Wolf responded to my email: “We withdrew as counsel and the case was
26 dismissed without prejudice.” A true copy of the email from Rachel Abrams to me, dated August 21,
27 2025, is attached as **Exhibit 4**.

1 8. Later on August 21, 2025, I followed up again with Plaintiffs' counsel, noting that I had not
2 received any response from Levin Simes LLP, Kherker Garcia, or Nachawati Law Group. I notified
3 Plaintiffs' counsel that I would schedule a call the next day (August 22) at 11:30 AM Pacific to discuss
4 the cases of the remaining Plaintiffs identified in my August 19, 2025 letter. I also notified Plaintiffs'
5 counsel that to the extent the issues were not resolved, Uber intended to file a motion to dismiss with
6 prejudice each of those cases. A true copy of my August 21, 2025 email to Plaintiffs' counsel is
7 attached as **Exhibit 5**.

8 9. Kherker Garcia, counsel for Plaintiff with MDL ID 2774, declined the meeting invitation. A true
9 copy of the notification I received regarding the declined invitation is attached as **Exhibit 6**.

10 10. Levin Simes LLP, counsel for Plaintiff with MDL ID 1199, initially accepted the meeting
11 invitation. True copies of the notifications I received regarding the accepted invitation are attached as
12 **Exhibit 7** and **Exhibit 8**.

13 11. The next day, August 22, 2025, none of Plaintiffs' counsel showed up to the scheduled meeting
14 at 11:30 AM Pacific. I kept the line open for 30 minutes, but Plaintiffs' counsel did not appear.

15 12. Although Uber has made every effort to meet and confer on this cross-cutting issue affecting
16 several Plaintiffs, as well as many counsel, it has not been possible to reach agreement. Rather than
17 attempting to address this issue piecemeal, Uber submits that the relief requested is the most efficient
18 way to proceed for all parties and the Court.

19 I declare under the penalty of perjury under the laws of the United States that the foregoing is
20 true and correct.

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Dated: August 25, 2025

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Respectfully submitted,

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By: Christopher V. Cotton
4 Christopher V. Cotton (admitted *Pro Hac
Vice*)
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